

EXHIBIT P

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

HITUL GANDHI, individually)
and on behalf of a class of)
others similarly situated,)
)
Plaintiff,)
)
vs.) No. A-08-CA-248-JRN
)
DELL INC., and DELL)
MARKETING USA, L.P.,)
)
Defendant.)

CATHERINE L. DAVIS and TOMMY)
MOORE, Individually and on)
Behalf of others similarly)
situated,)
)
vs.) No. A-08-CA-794-JRN
)
DELL, INC. d/b/a DELL)
COMPUTER, INC., a Delaware)
corporation, DELL USA L.P.,)
a Texas Limited Partnership)
and DELL MARKETING L.P., a)
Texas Limited Partnership,)
)
Defendant.)

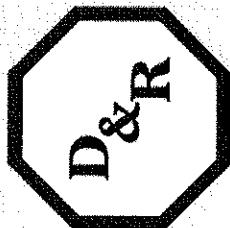
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3 DEPOSITION OF DANIEL E. WOJCIECHOWSKI

4 TAKEN ON BEHALF OF THE DEFENDANTS

5 IN OKLAHOMA CITY, OKLAHOMA

6 ON DECEMBER 18, 2008

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13 Reported by: Elizabeth Caudill, CSR, RMR, CRR

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1 A You bet. You bet.

2 Q Tell me, once you got through your
3 training, sort of what your job responsibilities
4 were. What was a normal day?

5 A Well, my normal day, shortly after
6 arriving at Dell, we were informed that it was
7 best, if it was at all possible, to work bell to
8 bell, which was 8:00 in the morning -- actually
9 7:30 in the morning, 7:15, to the last customer
10 that was on the line, which is usually after
11 10:00 -- just after 10:00.

12 So I'd put in 14-hour days, 12-hour
13 days. Very rarely was it 12 hours, mostly 14
14 hours, because I realized -- and they were very
15 accurate, you know. Obviously the longer you're
16 on the phone, the more contacts with people
17 you're going to have.

18 These people were calling in wanting a
19 computer, so you needed to make sure you were the
20 one that sold it to them. And that was one of
21 the purposes and reasons that I worked these
22 exhausting hours was to try, you know, to hit
23 a certain level and maintain employment.

24 Q And as I understand your compensation
25 package, it consisted of a base salary and a

1 commission piece; is that right?

2 A That's correct.

3 Q And we've heard different percentage
4 mixes of what that was. Do you remember what
5 your percentage mix was?

6 A No.

7 Q And in addition to the base and the
8 commission payment, you also received overtime if
9 you worked more than 40 hours?

10 A You received some overtime, yes.

11 Q And when you say "some overtime," what
12 do you mean by that?

13 A Well, we were -- we were all pretty
14 shocked the first check that we got from being on
15 the floor, in that it appeared as though we were
16 being paid about \$5 an hour for every hour over
17 80 hours which, you know, no one really expected,
18 not -- including myself. And at times, the
19 computation was actually \$4 and something, in
20 that range.

21 Now, I will say this. Latham had been
22 with Dell for -- my boss, my manager had been
23 with Dell for six or seven years, so he was real
24 accustomed to -- to some of the policies and
25 procedures. And when I asked him about that, he

1 ready to start taking calls, period.

2 Q Did anything else change?

3 A Occasionally -- it seemed like I
4 remember when we realized that, after the first
5 paycheck or two, that they were taking -- they
6 were hitting you for an hour lunch whether you
7 took that hour lunch or not. I may have gone in
8 and adjusted and put "no lunch" in there.

9 Q So you had the ability to do that?

10 A You could do that. Yes, you could do
11 that.

12 Q And I assume you did do -- those days
13 where you worked through lunch, you would go in
14 and make that adjustment?

15 A Once I realized, yes, that -- that it
16 was possible and they were doing that, they were
17 taking that hour whether you took it or not, you
18 know. So I had to go in and make that adjustment
19 manually.

20 Q How did you do that, do you remember?

21 A No.

22 Q And then at the end of the day, how
23 would you clock out? What time would you put?

24 A The time that -- I mean, as soon as I
25 hung up and had everything at my desk coordinated